

To: Joseph Dellapenna[dellapen@law.villanova.edu]
Cc: envlawprofessors@lists.uoregon.edu[envlawprofessors@lists.uoregon.edu]; Sanford Gaines[sandygaines@me.com]
From: envlawprofessors-bounces@lists.uoregon.edu
Sent: Fri 8/14/2015 11:48:02 PM
Subject: Re: [Envlawprofessors - UOregon] Animas River spill
[ATT00001.txt](#)

judging from the stories I read today on Environment Report, Administrator McCarthy has done all those things. Sandy, do you think I'm right?

Craig

On Fri, 14 Aug 2015, Joseph Dellapenna wrote:

> But has Administrator McCarthy (or others) gone on the offensive, explaining why the contamination was there in the first place (let's name names), who the contractor was who messed (I almost used a stronger word) up, and how bad the problem is across the west? In other words, said about to shift the conversation from the EPA to the real problems? As so often is the case, the current administration lets the Republican critics set the conversation and is content to provide information in a rather bland fashion. I admit that here in China I have rather limited access to news and information from the US (lots of stuff is blocked, including, it seems, my VPN), so I will be happy to learn that I am wrong.

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> Joe

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> [VLS email logo mn]

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> Villanova, PA 19085-1682
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> [The Evolution of the Law and Politics of Water]<<http://www.springer.com/978-1-4020-9866-6>>

>

> For a selection of other publications, go to <http://ssrn.com/author=233767>

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> -----Original Message-----

> From: envlawprofessors-bounces@lists.uoregon.edu [mailto:envlawprofessors-bounces@lists.uoregon.edu] On Behalf Of Sanford Gaines

> Sent: Friday, August 14, 2015 4:48 PM

> To: Craig Oren

> Cc: envlawprofessors@lists.uoregon.edu

> Subject: Re: [Envlawprofessors - UOregon] Animas River spill

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> Further to Craig's point, the Administrator has been to Colorado, she announced suspension of all mine

reclamation work pending a full review of procedures and practices, and she and agency staff has given updates on river readings of the different contaminants, including yesterday's report that the tributary of the Animas where the spill occurred has returned to pre-spill levels of contaminants (there is chronic mine drainage contamination from numerous old mines around Silverton, which is why the remediation work was going on in the first place).

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> On Aug 14, 2015, at 14:08, Craig Oren

<oren@camden.rutgers.edu<mailto:oren@camden.rutgers.edu>> wrote:

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> I don't think it's true that EPA has remained silent. Administrator McCarthy has spoken out on the situation. See the August 14 issue of Environment Reporter (BNA).

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> Craig

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> On Fri, 14 Aug 2015, Kornfeld Itzhak wrote:

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>> Tim:

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>> The problem for EPA is that has remained silent. Where is

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>> Administrator McCarthy? They should be feeding the news media. like

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>> one feeds a dog treats - and I do not mean the example to be

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>> condescending. EPA ought to be taking state and local officials on tours and have the media in tow.

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>> But, when one remains silent they have nothing to complain about, if

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>> as the Agency is doing here, it's getting beat up.

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>> I also agree with you regarding the the point that Zyg raises. One

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>> more point, I have not see the name of the contractor, does anyone

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>> know who it is?

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>> Best to all.
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>> Itzhak
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>> On Fri, Aug 14, 2015 at 2:35 PM, Tim Duane <tpduane@ucsc.edu<mailto:tpduane@ucsc.edu>>
wrote:
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>>> Zyg,
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>>> This is a great point. I've also been struck by how both the
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>>> citizenry and the media have focused on attacking EPA for its
>
>>> contractors' mistakes and generally not talked about this disaster as
>
>>> a predictable consequence of the original mining activity and how
>
>>> liability for the disaster is ultimately traceable to nonexistent regulation of those activities.
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>>> Best,
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>>> Tim
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>>> Tim Duane
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>>> Professor
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>>> Environmental Studies
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>>> SSRN: http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1247685
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>>> On Aug 14, 2015, at 10:31 AM, Zygmunt Plater <plater@bc.edu<mailto:plater@bc.edu>> wrote:
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>>> I don't know the data, but a possible angle on this Animas River
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>>> pollution story that has not to my knowledge been noted in media
>
>>> coverage comes from Jared Diamond's book "Collapse." In the first
>
>>> part, "Modern Montana," he avers that the vast cost of repairing the
>
>>> West's mined lands and waters--virtually all being restored at
>
>>> taxpayer expense--greatly exceeds in constant dollars the total
>
>>> revenues harvested from those mined lands by private industry over
>
>>> the years. If that fact is indeed backed up by the data (PERC has
>
>>> attacked the book but presents no pertinent evidence on the
>
>>> point) it could provide a very good teaching moment backdrop to the
>
>>> current Animas River coverage, much of it castigating EPA restoration efforts.
>
>>> Those past substantial mining revenues and their related devastations
>
>>> of the mostly-federal lands came, of course, in an historical
>
>>> opportunity-cost context; it was a time when those Western states
>
>>> desperately needed cash flow and economic multipliers to develop. But
>
>>> all national policy analysis needs to acknowledge and include an
>
>>> accounting for subsequent public consequences as well as front-end private profits.
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>>> If anyone knows more about this overview calculation, could you pass
>
>>> it on to an intelligent journalist, as well as to the list?
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>>> Good wishes.
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>>> ZP
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>>> *Zygmunt J.B. PlaterBoston College Law School885 Centre StreetNewton
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>>> Centre MA 02459617-552-4387 <617-552-4387>plater@bc.edu<mailto:plater@bc.edu>
>
>>> <plater@bc.edu<mailto:plater@bc.edu>>*

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>>> *—The Snail Darter & the Dam**—*
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>>> **Yale University Press,
>
>>> *now in paperback*
>
>>> *...a very small endangered fish's travels through the corridors of
>
>>> American power*
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>>> On Thu, Aug 13, 2015 at 1:10 PM, Villa, Clifford <villa@law.unm.edu<mailto:villa@law.unm.edu>>
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>>> wrote:
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>>>> For any of you following the horrific spill of mine contamination
>
>>>> into the Animas River last week, with impacts on four SW states, the
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>>>> Navajo Nation, and many other places and people, you may be
>
>>>> interested in the op-ed piece published today in the Albuquerque
>
>>>> Journal and available at the link below.
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>>>> Naturally, there is so much more to say here, but while the
>
>>>> emergency operations remain in full swing, the op-ed today is a
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>>>> start. If any related questions, please feel free to reply to me
>
>>>> offline (at my new UNM email address).
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>>>> <http://www.abqjournal.com/627504/opinion/clearing-up-questions-on-river-spill.html>
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>>>> ver-spill.html
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>>>> Best Regards,
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>>>> Clifford J. Villa
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>>>> Assistant Professor
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You can access my SSRN articles at <http://ssrn.com/author=39319>.
